

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

ELLA H.,
Plaintiff,

v.

Civil No. 3:21cv804 (DJN)

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,
Defendant.

FINAL MEMORANDUM ORDER
(Adopting Report and Recommendation)

This matter comes before the Court on Plaintiff's Objections to the Report and Recommendation (the "R&R") of the Magistrate Judge (the "Objections") (ECF No. 21), objecting to the R&R (ECF No. 20) entered on December 19, 2022, by the Honorable Mark. R. Colombell, United States Magistrate Judge, which recommended that Plaintiff's Motion for Summary Judgment (ECF No. 14) be denied, that Defendant's Motion for Summary Judgment (ECF No. 17) be granted and that the final decision of the Commissioner of Social Security ("the Commissioner") be affirmed. For the reasons set forth below, the Court finds that Plaintiff's Objections lack merit and therefore DENIES Plaintiff's Motion (ECF No. 14), GRANTS Defendant's Motion (ECF No. 17) and ADOPTS the Magistrate Judge's R&R (ECF No. 20).

"The purpose of magistrate review is to conserve judicial resources." *Nichols v. Colvin*, 100 F. Supp. 3d 487, 497 (E.D. Va. 2015) (citing *United States v. Midgette*, 478 F.3d 616, 622 (4th Cir. 2007)). To "preserve the district court's role as the primary supervisor of magistrate judges," a party "may raise objections with the magistrate judge's report." *Id.* (citing *Midgette*, 478 F.3d at 621). "[T]he objection requirement is designed to allow the district court to 'focus

on specific issues, not the report as a whole.” *Id.* (quoting *Midgette*, 478 F.3d at 621).

Accordingly, “objections must be specific and particularized.” *Id.* “A general objection to the entirety of the magistrate judge's report is tantamount to a failure to object.” *Id.* (quoting *Tyler v. Wales*, 84 F. App'x 289, 290 (4th Cir. 2003)). “Likewise, a mere restatement of the arguments raised in the summary judgment filings does not constitute an ‘objection’ for the purpose of district court review.” *Id.* (quoting *Abou-Hussein v. Mabus*, 2010 WL 4340935, at *1 (D.S.C. Oct. 28, 2010), *aff'd*, 414 F. App'x 518 (4th Cir. 2011)). Instead, “objections must respond to a specific error in the” R&R. *Overstreet v. Berryhill*, 2018 WL 1370865, at *1 (W.D. Va. Mar. 16, 2018).

Here, Plaintiff's Objections constitute nothing more than a “rehashing of the arguments” that she raised in her Memorandum in Support of Summary Judgment (ECF No. 15) and her Reply to Defendant's Memorandum in Support of Summary Judgment (ECF No. 19). *Nichols*, 100 F. Supp. 3d at 497. All seven of the discrete arguments that Plaintiff sets forth in her Objections were raised before and duly considered by the Magistrate Judge. Thus, the Court finds that *de novo* review of the Magistrate Judge's R&R proves unnecessary and reviews the R&R for clear error only. *See Lee v. Saul*, 2019 WL 3557876, at *1 (E.D. Va. Aug. 5, 2019).

Having reviewed the record, and finding no clear error, the Court ORDERS that:


1. The Report and Recommendation of the Magistrate Judge (ECF No. 20) is ACCEPTED and ADOPTED as the OPINION of the Court;
2. Plaintiff's Motion for Summary Judgment (ECF Nos. 14) is hereby DENIED;
3. Defendant's Motion for Summary Judgment (ECF No. 17) is hereby GRANTED;

4. The decision of the Commissioner is hereby AFFIRMED; and,

5. This case is now CLOSED.

Let the Clerk file this Order electronically and notify all counsel of record accordingly.

It is so ORDERED.

/s/ 

David J. Novak
United States District Judge

Richmond, Virginia

Dated: January 31, 2023